



**MORGAN HILL REDEVELOPMENT AGENCY
CITY COUNCIL**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

CITY COUNCIL

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

WEDNESDAY, MAY 22, 2002

JOINT AGENDA

**SPECIAL AND REGULAR REDEVELOPMENT AGENCY MEETING
&
SPECIAL CITY COUNCIL MEETING**

6:30 P.M.

CALL TO ORDER

(Vice-Chairperson Chang)

ROLL CALL ATTENDANCE

(Deputy Agency Secretary/Deputy City Clerk Corbet)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy Agency Secretary/Deputy City Clerk Corbet)

***A Special Meeting is called at 6:30 P.M. for the purpose of
conducting Closed Sessions.***

Dennis Kennedy, Chairman/Mayor

CLOSED SESSIONS:

City Council and Redevelopment Agency Action

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Case Name: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.

Case Number: Case No. C-01 20976 RMW, United States District Court, Northern District of California/Ninth Circuit Court of Appeals

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Status Update by Morgan Hill Downtown Association
Brad Jones

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE AGENCY SECRETARY/CITY CLERK. THE AGENCY SECRETARY/CITY CLERK WILL FORWARD CORRESPONDENCE TO THE REDEVELOPMENT AGENCY/CITY COUNCIL.

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 and #2, Agenda Items #3 through #5 and Agenda Item #6 may be acted upon with one motion, a second and the vote, by each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Redevelopment Agency Action

Time Estimate

Consent Calendar: 1-10 Minutes

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- 1) **APRIL 2002 FINANCE & INVESTMENT REPORT** 1
Recommended Action(s): Accept and File Report.
- 2) **BUSINESS INCUBATOR FEASIBILITY STUDY** 13
Recommended Action(s): Authorize the Executive Director to Negotiate and Execute a Contract with the Morgan Hill Chamber of Commerce for a Business Incubator Feasibility Study in an Amount Not to Exceed \$21,000.

City Council Action

Time Estimate

Consent Calendar: 1-10 Minutes

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- 3) **APPROVAL OF AGREEMENT WITH UNION PACIFIC RAILROAD FOR AT-GRADE PEDESTRIAN CROSSING AT DOWNTOWN TRANSIT CENTER** 33
Recommended Action(s): Authorize the City Manager to Execute an Agreement with Union Pacific Railroad.
- 4) **SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF RUTAN AND TUCKER** 55
Recommended Action(s):
 1. Authorize the City Manager to Execute the Second Amendment to Agreement with the Law Firm of Rutan and Tucker; and
 2. Appropriate \$50,000 from the General Fund to the City Attorney's Budget.
- 5) **APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES FOR MAY 13, 2002** 71

Redevelopment Agency and City Council Action

	Time Estimate		
	Consent Calendar: 1-10 Minutes		Page
6)		<u>ACQUISITION OF 382 CALLE ATAVIO, A BMR HOUSING UNIT</u>	73
		<u>Recommended Action(s):</u>	
	1.	<u>Authorize</u> the Executive Director/City Manager to Negotiate, Prepare and Execute a Purchase Agreement with Richard and Maria Martinez, or their Designated Representative in an Amount Not to Exceed \$245,000 for the Purchase, Repair and Resale of 382 Calle Atavio, a BMR Housing Unit; and	
	2.	<u>Authorize</u> the Executive Director/City Manager to Do Everything Necessary to Sell the Unit to a BMR Buyer in Accordance with Program Guidelines.	

City Council Action

OTHER BUSINESS:

	Time Estimate		
			Page
7)	2 Minutes	<u>RESOLUTION OF INTENTION AND ADOPTION OF ORDINANCE APPROVING AMENDMENT TO CONTRACT WITH CALPERS</u>	75
		<u>Recommended Action(s):</u>	
		1. <u>Adopt</u> Resolution Approving Amendment to Contract with CalPERS;	
		2. <u>Authorize</u> the Mayor to Execute the Amendment to Contract following Final Approval of the Ordinance; and	
		3. <u>Waive</u> the Reading in Full of Ordinance Authorizing an Amendment to the Contract; and	
		4. <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote).	
8)	20 Minutes	<u>PROPOSITION 14 LIBRARY BOND ACT GRANT APPLICATION</u>	91
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Mitigated Negative Declaration;	
		2. <u>Approve</u> Schematic Design of Proposed Morgan Hill Public Library; and	
		3. <u>Adopt</u> Resolution Authorizing City Staff to Submit Grant Application to The State of California Office of Library Construction.	
9)	45 Minutes	<u>ADJUSTMENTS TO DEVELOPMENT IMPACT FEES</u>	129
		<u>Recommended Action(s):</u>	
		1. <u>Discuss</u> Consultant Recommended Adjustments to Development Impact Fees;	
		2. <u>Set</u> June 26, 2002 as a Public Hearing for Consideration of Adjustments to Development Impact Fees; and	
		3. <u>Direct</u> Staff to Target Proposed Fee Adjustments to be Effective January 1, 2003.	

- 10) 45 Minutes **ADJUSTMENTS TO PLANNING, BUILDING, ENGINEERING, POLICE, RECREATION, FINANCE, CITY CLERK, AND MISCELLANEOUS UTILITIES FEES** 257
Recommended Action(s):
1. **Discuss** Consultant Recommended Adjustments to Planning, Building, Engineering, Police, Recreation, Finance, City Clerk, and Miscellaneous Utilities Fees;
 2. **Set** June 26, 2002 as a Public Hearing for Consideration of Adjustments to Fees; and
 3. **Direct** Staff to Target Proposed Fee Adjustments to Be Effective September 1, 2003.
- 11) 5 Minutes **PROPOSED SPORT FIELDS AND PICNIC AREA FEES AND PRIORITY SCHEDULING PROCESS** 307
Recommended Action(s):
1. **Review** the Proposed Fees and Classifications;
 2. **Receive** a Verbal Report from Staff on Park and Recreation Commission's Comments;
 3. **Provide** Staff with Comment; and
 4. **Direct** Staff to Return this Item for a Public Hearing on June 26, 2002.

FUTURE AGENCY-INITIATED AGENDA ITEMS:

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas.
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate an/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT